

MINUTES
WOODSTOCK CITY COUNCIL

October 19, 2021
City Council Chambers

A regular meeting of the Woodstock City Council was called to order at 7:00 PM on Tuesday, October 19, 2021 by Mayor Michael Turner in the Council Chambers at Woodstock City Hall. He explained the Consent Calendar process, invited public participation, and noted, as is the City's policy, this evening's meeting is being live streamed with a recording archived should members of the public wish to view it in the future.

A roll call was taken.

COUNCIL MEMBERS PRESENT: Darrin Flynn, Lisa Lohmeyer, Tom Nierman, Wendy Piersall, Bob Seegers, Jr., Gordon Tebo and Mayor Michael Turner.

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: City Manager Roscoe Stelford, City Attorney Ruth Schlossberg, Assistant City Manager/Finance Director Paul Christensen, Chief John Lieb, Public Works Director Christina Betz, Economic Development Director Garrett Anderson, Building and Zoning Director Joe Napolitano, IT Director Dan McElmeel, Opera House Managing Director Daniel Campbell, Grants/Communications Manager Terry Willcockson and City Clerk Cindy Smiley.

III. FLOOR DISCUSSION

A. Public Hearings

Mr. Stelford stated this item involves three properties located within the City's boundaries, but not currently within the City. He stated Staff has spoken with the properties' owners who support this action and now are going through the annexation process.

Mayor Turner stated it has been the policy of the Council to annex properties that are surrounded by the City, stating he is pleased the property owners are supportive of this.

1. Annexation Agreement – 11911 Industrial Heights Drive

Mayor Turner opened the Public Hearing for annexation of the property located at 11911 Industrial Heights Drive at 7:02 PM.

There were no comments forthcoming from the Public.

Motion by L. Lohmeyer, second by D. Flynn, to close the Public Hearing for annexation of property located at 11911 Industrial Heights Drive.

A roll call vote was taken. Ayes: D. Flynn, L. Lohmeyer, W. Piersall, T. Nierman, G. Tebo, B. Seegers and Mayor M. Turner. Motion carried.

The Public Hearing was closed at 7:03 PM.

2. Annexation Agreement – 11913 Industrial Heights Drive

Mayor Turner opened the Public Hearing for annexation of the property located at 11913 Industrial Heights Drive at 7:04 PM.

There were no comments forthcoming from the Public

Motion by W. Piersall, second by G. Tebo, to close the Public Hearing for annexation of property located at 11913 Industrial Heights Drive.

A roll call vote was taken. Ayes: D Flynn, L. Lohmeyer, W. Piersall, T. Nierman, G. Tebo, B. Seegers and Mayor M. Turner. Motion carried.

The Public Hearing was closed at 7:05 PM.

3. Annexation Agreement – 11915 Industrial Heights Drive

Mayor Turner opened the Public Hearing for annexation of the property located at 11915 Industrial Heights Drive at 7:05 PM.

There were no comments forthcoming from the Public

Motion by W. Piersall, second by G. Tebo, to close the Public Hearing for annexation of property located at 11915 Industrial Heights Drive.

A roll call vote was taken. Ayes: D Flynn, L. Lohmeyer, W. Piersall, T. Nierman, G. Tebo, B. Seegers and Mayor M. Turner. Motion carried.

The Public Hearing was closed at 7:06 PM.

B. Public Comments

Arlene Lynes, owner of Read Between the Lynes located at 111 E. Van Buren Street, wished to tell Council that she, Nancy Leonard, owner of Hattie & Myrt's and the Blue Thistle, and Bret Dougherty, owner of Square D Jewelers, have joined to form a new group, Woodstock Square Business Connections. Ms. Lynes read the new group's mission statement, noting they are folded into the Chamber of Commerce and describing what they will do.

Mayor Turner wished them great success.

C. Council Comments

There were no comments forthcoming from the City Council.

CONSENT AGENDA

Mayor Turner stated Council is asked to consider a friendly amendment for an item included on the Consent Agenda, asking Mr. Stelford to explain further.

Mr. Stelford stated Staff is asking Council to add a check for painting the Public Library to Warrant 3976. He stated the check was unavailable when the Warrant was prepared, but that this item was budgeted for and expected, and Staff asks that it be paid for at this time rather than waiting for the next Council meeting.

Motion by D. Flynn, second by B. Seegers, to approve the Consent Agenda with a friendly amendment to include the aforementioned check as part of Warrant 3976.

In response to a question from Mayor Turner, the following items were removed from the Consent Agenda at the request of a Council member or the Public:

- Item D-8 – Shop, Save, and Win Program Sponsorship at the request of Councilman Seegers.
- Item D-9 – Resolution – Change Order – 2021 Street Resurfacing Program at the request of Councilmen Seegers.

In response to a question from Mayor Turner, there were no questions or comments forthcoming from the Public or the Council regarding items remaining on the Consent Agenda.

Mayor Turner affirmed the Consent Agenda to include items A through D-7 and D-10 as follows:

A. APPROVAL OF CITY COUNCIL MINUTES

October 5, 2021 City Council Minutes

B. WARRANTS: 3975 3976 (as amended)

C. MINUTES AND REPORTS:

Woodstock Public Library Minutes and Director's Report August 12, 2021
Police Department Monthly Report August 2021

D. MANAGER'S REPORT NO. 189:

1. Annexation Agreements and Ordinances Authorizing Annexations, Zoning Map Amendments, and Variations to the UDO for 11911, 11913, and 11915 Industrial Heights Drive

Authorization for the Mayor, City Manager, and City Clerk to execute annexation agreements with the three property owners for 11911, 11913, and 11915 Industrial Heights Drive and approval for the required Ordinances to annex, adopt Zoning Map Amendments to M1-Limited Manufacturing District, and grant variations to identified sections of the UDO as follows:

- a) Approval of an Annexation Agreement, identified as Document 1, between the City of Woodstock and Hay Properties, LLC for property located at 11911 Industrial Heights Drive.
- b) Approval of an Annexation Agreement, identified as Document 2, between the City of Woodstock and Patricia K. Moles, as Trustee of The Patricia K. Moles Declaration of Trust, for property located at 11913 Industrial Heights Drive.
- c) Approval of an Annexation Agreement, identified as Document 3, between the City of Woodstock and Burdette Martin for property located at 11915 Industrial Heights Drive.
- d) Adoption of Ordinance 21-O-52, identified as Document 4, *An Ordinance Annexing the Properties at 11911, 11913, and 11915 Industrial Heights Drive.*
- e) Adoption of Ordinance 21-O-53, identified as Document 5, *An Ordinance Approving a Zoning Map Amendment to M1 Limited Manufacturing District at*

11911 Industrial Heights Drive.

- f) Adoption of Ordinance 21-O-54, identified as Document 6, *An Ordinance Approving Variations at 11911 Industrial Heights Drive.*
 - g) Adoption of Ordinance 21-O-55, identified as Document 7, *An Ordinance Approving a Zoning Map Amendment to M1 Limited Manufacturing District at 11913 Industrial Heights Drive.*
 - h) Adoption of Ordinance 21-O-56, identified as Document 8, *An Ordinance Approving Variations at 11913 Industrial Heights Drive.*
 - i) Adoption of Ordinance 21-O-57, identified as Document 9, *An Ordinance Approving a Zoning Map Amendment to M1 Limited Manufacturing District at 11915 Industrial Heights Drive.*
 - j) Adoption of Ordinance 21-O-58, identified as Document 10, *An Ordinance Approving Variations at 11915 Industrial Heights Drive.*
- 2. Ordinance – 2021 General Obligation Bond Issuance** – Approval of Ordinance 21-O-59, identified as Document 11, *An Ordinance Providing for the Issuance of Not to Exceed \$10,000,000 General Obligation Bonds, Series 2021 of the City of Woodstock, McHenry County, Illinois, for the Levy of a Direct Annual Tax Sufficient to Pay the Principal of and Interest on Said Bonds.*
- 3. Affirmation – Removal/Disposal of Soil, 839 Lake Avenue** – Affirmation of the award of bid to Orvine Inc. for removal/disposal of contaminated soil and site restoration at 830 Lake Avenue in the amount of \$47,670.
- 4. Acceptance of Police Pension FY20/21 Annual Statement/Actuarial Report** – Acceptance of the Police Pension Fund's FY20/21 Annual Statement and the Actuarial Report prepared by Nyhart, which recommends an employer contribution of \$1,330,216 for the 2021 Police Pension property tax levy.
- 5. Purchase – Large Format Printer** – Approval to purchase a new Cannon ImagePROGRAM TZ-30000 MFP Z36 wide-format printer/scanner/copier from Cannon Solutions of America for \$11,500.
- 6. Resolution – Approval of Construction Manager Agreement** – Adoption of Resolution 21-R-22, identified as Document 12, *A Resolution Approving a Construction Manager Agreement with Bully and Andrews for Renovations to the Old Courthouse and Sheriff's House* authorizing the City Manager to execute the construction manager agreement with Bully and Andrews subject any final revisions recommended by the City Attorney prior to final execution including, but not limited to, any revisions to the insurance requirements necessary to address the unique nature of the historic tax credit transaction.
- 7. Ordinance – Dissolution of TIF#1** – Approval of Ordinance 21-O-60, identified as Document 13, *An Ordinance of the City of Woodstock, McHenry County, Illinois, Dissolving the "Downtown Redevelopment Project Area (TIF #1)."*
- 10. Affirmation – Recreation Center Water Heater Replacement** – Affirmation of the emergency purchase and installation of a new water heater for the Recreation Center installed by Community Plumbing for the amount of \$7,975.

A roll call vote was taken. Ayes: D. Flynn, G. Tebo, L. Lohmeyer, T. Nierman, W. Piersall, B. Seegers, and Mayor M. Turner. Nays: none. Abstentions: none. Absentees: none. Motion carried.

Item D-8 – Shop, Save and Win Program Sponsorship

Councilman Seegers stated his wish to stay consistent in his position. Noting he probably could find the resident benefit in this item, he stated this is a lot of money. He stated he is opposed to approving this type of proposal without keeping track of the impact of the program. Councilman Seegers stated he will approve this request as long as Staff finds some way to have the merchants keep track of some metric showing the impact.

Councilman Nierman agreed, stating as this will probably become a yearly request, he also needs to see the results.

In response to a question from Councilman Tebo as to what he would suppose this measure to be, Councilman Seegers stated the most appealing benefit to him would be that the City is doing everything it can to support the local small independent merchants and the store fronts full. Noting he does not know how this could be measured, he stated he would like Staff to look at this. Councilman Seegers stated if he is representing conservative taxpayers, he would like to be able to say to them that there is an economic benefit to doing this.

Councilman Flynn noted it would be hard to measure this because last year was a different year, stating there are a lot of things that can be measured and a lot that cannot. He stated this program generated \$30,000 worth of purchases that were turned in, noting a lot of other communities have been doing this for many years and are very successful. He noted there is a benefit for the residents or shoppers because they can win.

Councilman Seegers stated for him it is not about this particular program, but rather this gave him the opportunity to say that he looks at programs for their benefits.

Mayor Turner stated he supports this initiative and also supports the desire to look at the effectiveness of any program. He stated he completely supports Staff looking at this with the assistance of the Chamber. Mayor Turner stated the question is do we think the program helps traffic in Woodstock and helps the merchants, opining it does.

Speaker #1 noted Council stated they want to get people to shop in Woodstock, opining the City should get rid of the bag tax if it wants to attract people.

Speaker #2 asked why businesses can't excel or fail based on their own productivity.

Motion by W. Piersall, second by D. Flynn, to approve the City's sponsorship of the Woodstock Area Chamber of Commerce and Industry's "Shop, Save and Win Incentive Program" for the amount of \$15,000.

A roll call vote was taken. Ayes: D. Flynn, L. Lohmeyer, W. Piersall, T. Nierman, G. Tebo, B. Seegers, and Mayor M. Turner. Nays: none. Abstentions: none. Absentees: none. Motion carried.

Item D-9 – Resolution – Change Order – 2021 Street Resurfacing Program

Councilman Seegers stated he asked that this item be removed so he, as a new Councilmember, could understand the mechanics of how a change order of this magnitude could come about, asking if this is something that happens frequently.

Mr. Stelford stated that depends on the type of contract, noting for some contracts it would be uncommon not to have a change order. He stated, in this case, until the contractor removes the pavement and can see the conditions underneath, neither the contractor nor the City can know specifically what they are dealing with. He stated at times areas with bad soils are found exceeding engineer estimates, resulting in a change order.

In response to questions from Councilman Seegers, Ms. Betz stated the City is continuing to utilize its current standards for residential streets. She stated the City does not yet have the data from the new imaging that examines the conditions of the streets more thoroughly, so that was not available for the item in question. She stated, consequently, this was done with soil borings, or a specific amount allotted for base failure, noting because there was more than this allotted amount, a change order was necessary.

In response to further questions from Councilman Seegers, Ms. Betz stated the imaging done with the new program will be able to look at base failure, providing a more accurate picture without needing so many soil borings, thus providing a more accurate estimate and reducing the need for future change orders.

Mayor Turner noted change orders are not an unusual thing, but rather are the nature of major construction projects. He stated Council has the opportunity to review the change orders.

There were no comments or questions forthcoming from the Public.

Motion by G. Tebo, second by D. Flynn, to approve Resolution 21-O-23, identified as Document 14, *A Resolution Authorizing a Change Order in the Contract for 2021 Street Resurfacing Program*, authorizing Change Order #1 to the contract with Schroeder Asphalt Services, Inc. with an increase in the original contract amount of \$52,500 to a revised total contract amount of \$1,789,590.55.

A roll call vote was taken. Ayes: D. Flynn, L. Lohmeyer, W. Piersall, T. Niernan G. Tebo, B. Seegers and Mayor M. Turner. Nays: none. Abstentions: none. Absentees: none. Motion carried.

V. DISCUSSION**1. Performance-Based Property Improvement Program**

Mayor Turner noted this is a discussion item and will not be voted on tonight. Noting this is a deliberative process, he stated Council discussed this subject in June and, as a result, Staff took some of Council's goals and came forward with a concept. Mayor Turner stated this is not the final form and Council will not be voting on the program this evening. He noted this is an opportunity for the Public to hear what Staff is bringing forward at Council's request and for Council to have a discussion.

Mayor Turner noted the goal of the program is clear - to improve some of the rental properties in Woodstock. He stated the City has many requests throughout the year from tenants and neighbors to see these properties improved and the City also receives comments from the Public on how the City can be made to look better. He stated Council asked Staff to look into this and it is something Council wants to look at.

Mayor Turner stated the intent of the program is not to punish or to look at every landlord. He stated if some of the problematic properties in Woodstock can be improved, Council must look at this. He stated tonight is also an opportunity for the Public to provide input.

Mr. Stelford stated Staff has been working on this for a while, reviewing options. He stated tonight Staff is presenting one proposed program to obtain Council's feedback, opining the proposal focuses on identifying and regulating the most problematic landlords. Mr. Stelford stated the vast majority of Woodstock's landlords are good and take care of their properties, but noted the City does have a handful of landlords that take up the majority of code enforcement time. He stated the focus to date has been on obtaining compliance from the landlords on their properties.

Mr. Napolitano made a presentation on the proposed program. He stated the City has about 4,000 rental units with approximately 2,000 landlords. He noted the City has trouble getting in touch with some of the landlords when they receive a complaint, noting many are from out of state and some are included within LLCs. He stated there is a small percentage of landlords that the City constantly gets complaints about, describing the process that is taken which ultimately can lead to administrative adjudication. He stated the hope is that the proposed program will leave the good landlords alone while addressing the problems. He further stated the goal is to provide decent, safe housing for the residents and to improve the community.

Addressing why implementation of a performance-based program would have positive results, Mr. Napolitano stated if a landlord is taking care of their properties, he or she would be excluded from this program, meaning there would be no impact to the vast majority of landlords. He opined this program would be fair to the landlords, with action only being required if a landlord fails to perform.

Mr. Napolitano then talked about the components of the program. He stated the voluntary registration program will continue, with mandatory registration only being required if a property reaches chronic nuisance status or if there is an illegal dwelling unit identified on a property. He stated a chronic nuisance would be defined as three nuisance violations within a 180-day period, noting this would be a violation of the City Code which resulted in a citation and a conviction from administrative adjudication. He summarized this would mean an administrative adjudication judge would find the landlord liable three times within 180 days.

In response to a question from Mayor Turner, Mr. Stelford clarified this would be per individual property unit and emphasized this would mean a judge has determined there is sufficient evidence to find the landlord liable in court. Mr. Napolitano explained further the City's Code Enforcement Staff would have identified a violation, given the landlord time to correct it, then issued a citation if it has not been corrected in the allotted time. He emphasized if the violation is corrected, the landlord would not have to go to court. Mr. Napolitano stated if it is not corrected, the landlord goes to court and if the judge finds them liable, that would be one of three violations. In response to a question from Councilman Flynn, Mr. Napolitano described some possible violations,

including piles of garbage, vehicles parked on the grass, no heat or no water. He stated the City has property maintenance codes that provide minimum standards, noting these would be violations of the code.

Discussion followed of the three violations standard. Mr. Napolitano noted a distinction could be made between interior and exterior violations. Councilwoman Piersall stated some of these are tenant violations and some are landlord violations, opining sometimes the landlord cannot get the tenants to comply. In response to a question from Councilwoman Piersall as to how this is cited, Mr. Napolitano stated it is difficult, but ultimately the landlord is responsible for the property. He cited the example of tenants moving out leaving garbage outside. He stated in this case, the judge does not usually find the landlord liable, however.

Councilwoman Lohmeyer stated if someone complains and the complaint is rectified during the allotted time, a landlord could have as many of those complaint calls made against him/her without anything happening, as they have complied. Mr. Napolitano confirmed this is the case, noting the City just wants the property to look good.

Mr. Napolitano stated registration would be required under the two circumstances previously mentioned. He stated in those cases, Staff is proposing all properties owned by that landlord would have to be registered with the City. He stated it is the City's wish to have contact information and the properties be registered so Staff can get in touch with the landlord. He stated there is no charge to register. In response to questions from Councilman Tebo, Mr. Napolitano stated the registration can be done online. He stated the City would want information on how to contact the landlord via text, email, and/or phone. He noted the main problem with some of the problem properties is determining who actually owns them as they are listed under an LLC. He noted in these cases Staff must research ownership of the LLC or who is managing the property.

Councilman Tebo opined this is really a safety issue, with which Mr. Napolitano agreed. Councilman Tebo asked if it is easy to register and there is no charge, why would the City not require this. He asked why someone would not want to do this, opining the City should make a push for this registration. Mr. Napolitano stated this is a way for the Police Department or Fire Department to contact the property owner.

Mr. Napolitano then discussed inspections. He stated Staff is not proposing to do inspections unless there are six violations where a property owner is found liable within a year, noting this would trigger required annual inspections. He stated this would also be required should a property be found to have an illegal dwelling unit installed. He stated the landlord could be removed from the inspection program if the annual inspections are passed for three consecutive years. Mr. Napolitano stated there would be no charge for the inspections unless the inspector has to go back three times to reinspect because the property did not pass the inspection.

In response to a question from Mayor Turner, Mr. Napolitano confirmed the inspection trigger would be six convictions for violations in a year. In response to a question from Mayor Turner as to how many properties have met this trigger in the past five years, Mr. Napolitano stated there have been three such landlords with multiple properties in the last five years.

In response to a question from Council, Mr. Napolitano stated examples of an illegal dwelling unit could be one that is in a basement without proper ingress or egress, a unit that is unsafe, or a unit

that does not have a bathroom or cooking facility or does not meet current standards.

Mayor Turner stated he remembers the discussion in 2017, noting he felt that was overreach at the time. He stated in his discussion with Staff in bringing this forward, he is trying to stay focused on the objective. He stated for him one of the issues is to try to keep it at a level with high thresholds, noting otherwise the City has no interest in a property and would take no role in it. He stated he feels the thresholds presented are designed to focus on the problem situations. Mayor Turner stated he understands regulatory creep, but opined Council's responsibility is to manage the City, noting there are ordinances to address a variety of things, so this is reasonable. He stated he views this as a way to manage a difficult situation the City has run into.

Councilwoman Piersall stated one of the important things to remember is this is the solution the landlords asked for at the 2017 meeting, that is don't punish all the landlords. She stated this fits that. She noted the City has had complaints about one of those landlords and horrendous conditions back to 2013, noting the City was not able to do anything about that at that time which greatly upsets her.

In response to questions from Councilwoman Piersall, a discussion ensued of what would happen should a landlord either purchase a property that is in the required inspection period or sell a property that is in that period. Following this discussion, Mayor Turner asked Staff to explore this question further and come up with some possible answers as they refine and further develop the program.

Councilwoman Piersall then reviewed a problem landlord who changes their business name to avoid detection, which concerns her. She asked about how this may be deterred and if such a landlord would be required to register all of their properties should one of them qualify for the program. In response, City Attorney Schlossberg stated they did look at this issue and concurred with Staff. She stated, however, the City cannot impose costs on one company for the violations from properties owned by another. Concerning registration, she opined in some cases this could be relevant such as in the case of shared management. She stated any company that is owned or controlled by the landlord could be subject to registration, but penalties could only be levied on the company determined to be the violator.

In response to further questions from Councilwoman Piersall, Ms. Schlossberg stated it would be very difficult for the City to say a landlord who is at the threshold of six convictions a year and is a chronic problem cannot change the name of the existing company or transfer property ownership to a new company. Mayor Turner asked that this be looked into further.

Councilman Flynn noted in some other communities where he lived an inspection was required when the property owner wished to sell their home. He stated in another case, he found out there was something non-compliant in a home he purchased, noting it is possible for someone to buy a home without realizing it is non-compliant and includes an illegal dwelling. He advocated the City be more proactive and look at a pre-sale inspection that is presented at closing. He opined this would be a two-prong approach – to prevent problems and to address problems. In response, Ms. Schlossberg stated this is a political call, noting in her limited experience with communities that do this, it would be something that Council would want to examine in detail. She noted this is usually viewed as a way to protect housing stock, is considered to be intrusive and is a whole level up from what is being talked about with this proposed program.

Councilman Seegers opined the proposed program is not tough enough, stating a landlord should not be given three violations without being charged anything. He stated if a landlord is a chronic problem this is not tough enough. Councilman Seegers also opined if a landlord is a six-time violator and subject to the inspection protocol, this should move on to the next owner until the problems have been addressed. He noted the proposal is for the City to do this program without any fee or penalty, stating it will require Staff time.

Councilman Nierman opined the proposed program is a slap on the wrist. He stated he owns rental property, noting in other communities, notices are sent if grass is not mowed with the water turned off if problems persist. He urged the Council to “do this right.”

Councilman Tebo noted a landlord could rectify a problem the day before they go to court, thus incurring no penalty. In response to his question, Mr. Napolitano stated this has happened, but happens less often now as compliance is no longer a defense with the judge now being able to levy a penalty. Mr. Napolitano stated the question would be does this count toward the three violations, noting that would be a discussion between the attorney and the judge.

Noting her concern with people renting something that is not safe, Councilwoman Lohmeyer asked how many illegal dwellings there are in Woodstock. Mr. Napolitano stated they are difficult to find. He noted the City received a complaint about one, but could not gain access into the unit to inspect it. He said at times the owner or the tenant does not want to let the City in. He stated he is aware of one basement unit with only an entrance through cellar doors.

In response to a question from Councilwoman Lohmeyer, Mr. Napolitano stated when the City receives a complaint from a tenant, the tenant is asked if they have contacted the landlord, noting they usually do not come to the City until they have done so.

Councilwoman Lohmeyer stated she does not want to see the City get into a he said/she said position, but feels the City could be more stringent than three violations in 180 days. Mayor Turner asked Staff to do an assessment if the number of violations required were reduced to 2 and 4 versus the proposed 3 and 6.

Opining there has to be a purpose for a new program, Mayor Turner asked how this proposal differs from what the City currently has. Mr. Napolitano responded the proposed program adds to the current process, noting it is an incentive for the landlords to fix complaints or violations in a timely manner. Mayor Turner confirmed with Mr. Napolitano the current process does not have the formality of detailed consequences contained in the proposed program.

Mayor Turner noted the 1,997 landlords that are not problems will not hear from the City.

Mayor Turner opened the floor to Public comment.

Gary Lechner, 1408 Zimmerman, stated he has only had one tenant out of all the units he owns who did not comply with a City request. He took issue with the statement this will be a non-issue for 99% of the landlords, noting he hears Council saying “what about 2 and 4” and that there will be a lot of Staff time involved, so there must be an inspection fee. He opined this is government creep, noting the City is talking about three instances in five years with one bad landlord.

Mr. Lechner stated he cannot figure out how, with the City's vast authority, they cannot get this straight, stating in his opinion, Mr. Napolitano and his Department have failed the City. He stated if he received a letter from the City that he needed to take care of something in 10 days or he would be fined, he would take care of it. He stated the problem landlords; however, will not comply. He stated Mr. Napolitano has all the authority and power to remedy this situation, opining he is not doing his job. He stated the person with the bad units needs to be fined and that is already within Mr. Napolitano's authority.

Mr. Lechner stated this is a waste of time, opining all the City wants to do is start a program so that fees can be added.

To Mr. Lechner's statements concerning McHenry County being highly taxed, Mayor Turner stated that is not because of Woodstock, noting the City's taxes have been held steady and, in fact, the City has cut property taxes. He stated the City's taxes represent only about 14% of a taxpayer's tax bill. Noting he is against property taxes, Mayor Turner agreed McHenry County's property taxes are high, but stated that cannot be laid on the City of Woodstock.

Stating landlords pay enough, Mr. Lechner opined this program may be a non-issue now, but will be an issue three to five years from now. Mayor Turner countered that would not be the case as long as he is Mayor.

Mr. Lechner stated all Council wants to do is start a program so the City can start fees. He opined the water department can contact anyone and the City already has the necessary authority.

In response to Councilman Flynn's questions, Mr. Napolitano stated the City does enforce its ordinances and imposes fines. He stated in the past, the City has been trying to achieve compliance, but now is getting tougher. He stated the City does not have daily fines, explaining that a violation goes to court with the judge making the decision and imposing a fine. He stated he doubts an adjudication judge will ever issue a fine of \$750 per day.

Mayor Turner stated this program has to be new and different and must be an improvement.

Councilman Flynn stated it is Council's job to protect the safety of residents, opining perhaps more needs to be added to the City's ordinances, they need to be enforced, and more time needs to be spent on prevention. He advocated focusing on being proactive, not reactive.

Unidentified Speaker asked how this program will be paid for and how many people will be needed for it. Noting Council has said this is not a tax, he asked how long it will be before there is not enough tax to pay for it.

In response, Mayor Turner asked Mr. Napolitano to comment on the details of the process and the amount of time it will take. Mr. Napolitano stated the process is the same with violations going through adjudication to get to the chronic nuisance status. He stated the only change would be processing the registration forms from anyone who has to go into the process. He opined it would not take much more time than is already spent on this issue, opining Staff can absorb this.

Unidentified Speaker, 14413 Rt. 14, asked if there would be a landlord assistance program to help

with needed repairs. She stated last year many landlords received no income on their properties. Noting it takes four to six months to get an eviction, she stated a landlord cannot get a problem tenant out of an apartment. She stated she does not understand why obtaining contact information is a problem, noting the landlord gets a notice that the water bill has not been paid and a lien has been placed on their property. She stated this should be thoroughly investigated because some tenants can be spiteful.

The speaker opined if there are only three landlords that are of concern, the City is going through a lot of work instead of enforcing what is already in place.

The speaker spoke about a property where it took five months to get a tenant out, leaving garbage outside, which by law must remain there for 24 hours before removal.

The speaker stated the program needs enforcement and proactive measures, including enforcement of tenant issues vs. just landlord issues, opining a landlord can only do so much.

The speaker opined this is government creep. In response to her question, Mr. Napolitano clarified and again described what level of violation is proposed for a landlord to enter the mandatory registration program. The speaker noted initially it was stated this would involve three violations on one property, but later was stated all of the landlord's properties would be inspected.

Mayor Turner clarified if a landlord has one building that goes into nuisance status, they will be required to register all of their properties. He opined there is more refinement needed for the proposed program, including addressing outside vs. inside violations for multi-unit structures and tenant driven vs. landlord driven citations.

Unidentified Speaker opined this feels like an awful lot of work if the issue is just 3% of the landlords. She opined enforcement of current notices would be a better solution and also more cost effective.

Mayor Turner again stated this is an issue of refinement and of evolving the City's ordinances to accomplish what we wish as a City. He stated it is not proposed to add additional Staff, but to change some of the rules to make them more effective. He stated he does not wish to get stuck on issues A or B, but rather have a discussion of how the City's policies need to evolve.

Councilman Flynn asked how a landlord can be separated from a tenant issue. Mr. Napolitano stated unfortunately the City's ordinances state the property owner is ultimately responsible.

City Attorney Schlossberg talked about property issues, noting vehicle liability is a different issue from property liability. She stated one issue is the reality of what happens when the issue gets to adjudication. She stated one of the reasons the City has adjudication is it is more human and more flexible, and things are expedited. She explained there are cases when the landlord says his or her hands are tied, and the hearing officer won't enforce the ticket because it is the tenant's fault. She stated they find if it is a tenant vs. landlord issue, many times the City will not get a finding of liability from adjudication.

In response to a question from Councilman Flynn concerning fines against tenants, Ms. Schlossberg talked about the Crime Free Housing Bill that was brought forward a number of years

ago, noting it often goes hand-in-hand with a housing ordinance to give the landlord more tools to deal with problem tenants. She noted this is more than Council asked Staff to consider, but stated it does allow the City to have more rules regarding tenants that are designed to help landlords. She noted this is not consistent with the direction Council asked Staff to go at this time.

In response to a question from Councilman Flynn, Mr. Napolitano stated landlords have called the City about problems with tenants. He stated Staff tries to work with the landlords, often giving them more time or whatever may be needed.

Mayor Turner stated Staff is really working toward compliance and is not looking to take people into Administrative Adjudication. He stated this is a philosophical direction Council does not wish to change.

Lou Ness, W. Jackson Street, stated this is the third time she has appeared before Council on this issue, noting it has been talked about for a long time. She stated there a significant number of rental units on West Jackson which are occupied by her neighbors, noting they celebrate together and talk with one another. She stated many of them live in egregious conditions that are inside their buildings and cannot be seen from the outside. Ms. Ness spoke of issues with sewage backups and black mold, noting she has been talking about this since 2013.

Ms. Ness stated there really are landlords who take care of their properties and there are also a few who do not. She stated in her neighborhood there has been garbage left on the easements for four weeks, for example. She opined the City does what it can under unfortunate circumstances that allow landlords to use ordinances to their advantage. She stated she is prepared to be disappointed once again, but hopes to be surprised to see Woodstock address this issue.

Ms. Ness stated she cannot bear to see people move into these apartments, noting it makes her sad because they are so excited when they move in. She stated she has watched animals crawl into the roof of the building.

Ms. Ness stated her expectation is elected people serve the common good of the community and that community health and safety are a priority in the community. She stated if people are provided with decent, safe housing, this will not affect the landlords, noting the best way not to be involved is for a landlord to keep his or her property maintained and in good working condition.

Ms. Ness stated she appreciates tenants can be difficult, but opined the landlord should make it work or not be a landlord. She stated she is tired of dealing with the issue and would like to see something done.

Alice Wilson, 309 E. Terra Cotta, Crystal Lake, stated Ms. Ness was her neighbor when she lived on West Jackson Street, noting she moved there after relocating from Milwaukee in April. She stated coming from a large city to a small town, she thought it was sweet and nice and perfect, instead finding herself saddled with a horrendous landlord. She stated her landlord did change the name of her company many times, every time they got sued.

Noting this has been discussed since 2013, Ms. Wilson stated the town should be ashamed for not doing something about this, opining this landlord should not be able to rent property.

Ms. Wilson described some of the issues with her rental property, including stove burners sparking, squirrels chewing through wires, the toilet overrunning into the apartment below, black mold and constant harassing emails from the landlord.

Ms. Wilson stated she feels for the landlords who care enough to show up and hopes this proposal does not affect them negatively, but stated she also wants to save anyone else from the horrendous conditions she experienced. She stated she had to get a lawyer involved and noted she moved out of Woodstock to Crystal Lake because of this.

Concerning the proposed program, Ms. Wilson urged Council to rethink having the violations only count if they are for the same unit because many times there are problems involving more than just that unit.

Ms. Wilson stated she understands Mr. Napolitano's issues with contacting the landlord, noting the day her toilet over flowed, she tried to call and email her landlord with no response. She stated she went to the office where her landlord's car was parked, but no one answered the door. She stated the City also knocked on the office door and emailed the landlord, with no answer. Ms. Wilson stated later she received an email from the landlord scolding her for contacting the City and stating the landlord should have been contacted first.

Ms. Wilson opined this program is barely a slap on the wrist for bad landlords.

Mayor Turner noted the feedback on this does not end tonight, stating if anyone wants to give feedback in the days or weeks to come, they should send an email to the City Council, as this is the information gathering time period.

Ed Sass asked, "does a tenant not look at a building before renting it?" He stated he keeps his properties in a condition he could live in. He stated he grew up in Woodstock, opining it is a great place. Talking about some of the problems he has had with tenants, he opined something is needed to protect the landlords, stating the need to differentiate between landlord and tenant issues. He opined some tenants can be retaliatory. He asked that Council continue to solicit comments from the landlords, opining no landlord wants to have people say bad things. He stated the City needs to come up with a plan that will benefit everyone to keep Woodstock the way it is.

Brian Palmer stated he is insulted by the assertions of the Council members that this won't cost taxpayers money, opining that is a lie. He stated government creep is a thing and that is a fact, opining Council has increased the penalties while talking tonight.

Mr. Palmer stated the City absolutely, positively has the power to address this issue. He opined people should be insulted by this proposal, opining it is a socialist housing oversight program that will cost money. He stated if this passes, he will be proactive and immediately increase his rents and will also encourage all landlords to add the names of those who voted for this to their leases and to "jack up their rents." He stated Council knows rents will go up for everyone, opining the idea this won't happen is "insane." He stated "this is a bunch of garbage" the landlords and property managers will have to deal with opining the landlords won't pay, the tenants will.

Walter Quandt, Hampshire, stated he has been a landlord in Woodstock for 55 years, talking about his experience with various landlord associations, noting one program has 1,000 landlords who

own 13,000, mainly single-family, rental units.

The speaker talked about the help these organizations give to landlords, including about expenses and income from owning rental property and about how this benefits the landlords if they are having problems. He provided written information to Mr. Napolitano on this offering to sit down with the landlords.

The speaker then discussed Crime-Free Housing, opining it is a way to establish laws under the Police Department that add to rental costs, explaining this further.

Neeley Erickson, Local Government Affairs Director for Heartland Realtors wished to provide follow up comments on the proposed program. She stated everyone wants people to feel proud to live in Woodstock. She stated there is a concern there is not enough current enforcement of rules and regulations, noting she has heard the questions from the Council members.

Ms. Erickson stated at no time should tenants go through situations the previous speaker talked about, but opined the proposed program probably would not help her. She asked Council to continue to look into the Performance-Based Program, noting this is exactly the type of program people were looking for in 2017, affecting only the bad landlords and not the good ones. She asked that the City continue to move forward on this, focusing on the small number of individuals. She also encouraged the City to look at the current fee schedule, including fines.

Ms. Erickson stated comments were made that the proposed program is not punitive enough to the problem landlords. She stated many communities have landlord registration that is free.

Concerning point of sale inspections, Ms. Erickson stated this would require City employees to actually do the inspections and would make a lot of work for the City. She opined it could also hold up the sale if the City could not get the inspection done.

Ms. Erickson encouraged the City Council to do their research on Crime-Free Housing, noting there are two current court cases dealing with this issue. She stated it is a buzz word because no one likes crime and she gave examples of how this issue is involved in the court cases. Mayor Turner stated Crime-Free Housing is not on this evening's agenda.

Ms. Erickson opined the concern here is the current lack of enforcement, which leads to regulatory creep. She stated a new program may not address the situation it is intended to address.

Mayor Turner stated he would like Ms. Erickson to connect with Mr. Stelford and Staff as they continue to refine this proposal.

Councilwoman Piersall noted any future changes would have to come before the Council for discussion and approval, stating Council could not "sneak" anything in after the fact without voting on it in open session.

Carol Quandt, small property owner, stated she has not had a police call to her property for 30 years. She noted if her resident is late with their payment, the City will send a copy of the water bill to her, wondering why they would have difficulty finding her. She stated they have been in business for 55 years and do their best to maintain their property. She stated they try to be a good

landlord and provide good quality housing to good quality people. She stated they are glad there are some landlords on City Council.

Ms. Quandt stated in 55 years, she has never evicted a resident when there have been issues, but rather worked through them, opining every resident should be treated with respect and dignity. She opined landlords need common sense.

Ms. Quandt stated she does not think Council wants to continue to destroy Woodstock, but opined this policy based on bad data or bad advice will continue to destroy Woodstock. She agreed people who do not treat their residents right make the City enact rules and regulations that affect people like her, but opined this policy will not accomplish what Council thinks it will. She opined it is not only a tax on the tenants, but on every single property owner in Woodstock. She opined most landlords will not be able to keep up with their expenses moving forward, if this program is put in place, talking about the losses they incurred last year.

Ms. Quandt opined it is not the rent that is determining the quality of housing stock in Woodstock or vice versa, but rather it is the quality of the job market which, in Woodstock, does not support a good income. She stated if the resident does not have a good job, he or she cannot pay the rent and the landlord cannot pay the taxes. She noted in the first 25 years she had no problems with people paying their rent, but stated she has seen a decline in applicants who have the ability to pay the rent. Ms. Quandt opined the City will have to find money elsewhere unless it plans to decrease public officials' salaries or operational expenses. She opined property taxes will have to go up, meaning the rate of taxes will have to increase for all of the remaining residents of Woodstock. She stated, therefore, this tenant tax is not the way to go.

In response to a comment from Ms. Quandt concerning an income cap being placed on some housing in Woodstock, Mayor Turner stated this is not imposed by the City.

Ms. Quandt opined the City will have to raise taxes or cut services to pay for implementation of the proposed program.

A Woodstock resident opined this is a "huge waste of time." He stated he was at the previous meeting years ago, opining it seems like nothing has been done since then. He stated the City should go after the few people this relates to and leave the rest alone. He stated the City should enforce the current codes, whether it is the tenant or the landlord who is in violation.

Stating he works for government, the speaker stated people can work harder to get out of work and that he sees a lot of lazy people working for government. He stated people who are supposed to be doing inspections should be held to a performance-based program or gotten rid of. He opined people who are not doing their job in enforcing the codes is the issue. He stated people should do their job and go after the couple of people the City has issues with. He opined the rest of the landlords do not need to be present tonight.

There being no further comments, Public Comment was closed.

Mayor Turner opened the floor to final Council comment.

Mayor Turner stated feedback from the landlords is very important to the Council, noting the

members are not sitting here just to “check a box.” He stated feedback, and especially feedback from residents, is important. He stated Council listens to all sides.

Mayor Turner again talked about the objectives of this plan, stating Council’s goal and responsibility is to improve the aesthetic of the community and to enforce the code for the safety of the residents. He noted a lot of the commentary tonight has been about enforcement and going after those causing problems. He opined this is not an either/or situation, noting Staff has a difficult job to do with enforcement. He stated they will be held to high standards, noting to do this in a humanitarian way is difficult.

Mayor Turner stated he would like to look at what Staff would like to enforce more frequently and how the City can go after people who are causing the problems. He stated he is astounded by some of the commentary this evening, because this program was intended as a way to identify and manage those individuals, noting they are not the ones here tonight. He stated perhaps more teeth are needed in the process. He stated he appreciates the comments this evening.

Mayor Turner noted this is not going away because enough of the Council members are concerned about this, as are some members of the Public, evidenced by their comments tonight. He stated it is a priority for him, noting as Mayor he is trying to do things to lift the community up and opining this is a discussion of how to do this.

Councilman Seegers noted he heard a few landlords who said the City should be more proactive with fines. He stated his goal is to increase property values for everyone in Woodstock and is in 100% agreement that the goal of Council is to improve the properties that are diminishing the values of the rest of the properties. He opined this must start with cleaning up properties that are in violation. He stated perhaps the City should not be so lenient and perhaps should not give landlords or tenants time to fix issues.

Councilman Seegers stated he appreciates the landlords’ comments regarding landlord vs. tenant issues. He noted how, as a landlord, he puts clauses in his leases addressing parking and garbage, for example, stating he has a whole list of rules that are included. He suggested perhaps the City could help the landlords come up with leases that are better suited for problem tenants. He stated it is not acceptable to him to have decrepit properties in the City.

Councilwoman Lohmeyer stated the issues for her are code enforcement and how this can make the City look better. She stated the program proposed has come a long way since the initial discussion. She stated the City knows there are a few problem landlords, agreeing they should be treated more harshly to solve the issues. She opined the kinks need to be worked out of the proposed program, encouraging people to talk to Council, Mr. Stelford, and Mr. Napolitano.

Councilman Tebo stated the City has a problem with a few bad landlords that must be solved. He stated he understands tenants have problems and that landlords also have problems. He stated the situation needs to be rectified so people don’t come into Woodstock and rent from the bad landlords.

Councilman Tebo stated if the current code is sufficient to take care of the situation then the Council should not do anything else. He stated if it is not sufficient, it isn’t government creep to work to solve the problem, opining the City needs to come up with a solution. He stated this issue

should continue to be looked at.

Councilman Nierman stated he sees both sides, opining it can be figured out. He asked Mr. Napolitano to send Council a list of City Codes and what the violations are. He opined the City can contact a landlord. He stated whether it is with this program or “beefing up” the City Code, Council must do something to make the City look better. He opined if we want this town to be successful, we need it to look better.

Councilwoman Piersall stated she is having a hard time with this discussion, noting it has already been stated this program will affect three people. She opined more fines and more enforcement will likely affect more than three people, urging people to “be careful what you wish for.” She stated what has been laid out with the proposed program has a very narrow focus, while what many speakers are asking for is more broadly focused. She stated the City is trying to get a handle on three landlords who avoid enforcement.

Councilman Flynn expressed his appreciation to everyone who came out this evening. He stated he would like to look at the common complaints and put more teeth in the codes, looking at enforcement. Noting the comment that the water department knows who everyone is, he urged Staff to share data to find out who the landlord is. In response, Mr. Christensen stated many times the water department does not know that it is a rental, as the water bill is sent to the tenant. A brief discussion ensued of how this information can be obtained, with Councilman Flynn emphasizing Staff needs to focus on how the City can get this data and how the problem landlords can be addressed.

Councilman Flynn stated he would like to look at the ordinances first, opining the City should be proactive.

Mayor Turner stated the objective of the Council to elevate the City can be done in different ways, noting he has heard that message consistently during his time on Council. He stated Council hears “let’s be more,” “let’s be better.” He stated he has received comments from people who have asked what we can do to make the housing stock look better, noting the proposed program is a mechanism for that. He stated he liked that he heard the desire to be more aggressive on enforcing existing laws and to focus on being tougher on problem landlords, stating the City will do that. He stated this is not an either/or situation, noting the City will also look for ways to enhance this. Mayor Turner stated the intent is not to add costs or Staff, but to do this with the existing Staff the City already has and with what the City has in place, or to change the ordinances to give them more teeth. He stated Council heard this loud and clear. He asked Staff to take that and what was said this evening and think about how to evolve what the City has or the proposed program into what we want.

Mayor Turner stated this issue will remain on the City’s plate and come back to Council in the next two or three months, noting it is a priority of Council and of the community. He stated he trusts Staff’s and Council’s ability to come up with ideas, noting he also wants to tap into people in the community who have input on this issue, encouraging them to build on things talked about tonight and on the objectives of the Council.

Mayor Turner expressed appreciation to everyone who shared their thoughts and opinions this evening. He thanked Staff for what they brought forward and thanked Council for its discussion.

FUTURE AGENDA ITEMS

There were no further additions, deletions, or corrections to the tentative Future Agendas.

ADJOURN

Motion by D. Flynn, second by G. Tebo, to adjourn this regular meeting of the Woodstock City Council to the next regular meeting on Tuesday, November 2, 2021, at 7:00 PM in the Council Chambers at Woodstock City Hall. Ayes: D. Flynn, L. Lohmeyer, T. Nierman, W. Piersall, B. Seegers, G. Tebo, and Mayor M. Turner. Nays: none. Abstentions: none. Absentees: none. Motion carried.

The meeting was adjourned at 9:59 PM.

Respectfully submitted,

Cindy Smiley
City Clerk